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DEPARTMENT FOR SCA/FO (MOON), SCA-A (ENSHER,REOTT,SINGH)  
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USNATO FOR AMBASSADOR VOLKER, ALISON BLOSSER

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TAGS: [PREL](#) [PINS](#) [MARR](#) [MOPS](#) [AF](#)  
SUBJECT: AMBASSADOR'S JANUARY 11 MEETING WITH NATO SENIOR  
ISAF REPRESENTATIVE ON GIROA PROPOSED AFGHANISTAN-NATO  
MILITARY TECHNICAL AGREEMENT

Classified By: Classified by Ambassador William B. Wood for reasons 1.4  
(b) and (d)

11. (C) Summary: On January 11, NATO Rep to ISAF Gentilini sought Ambassador Wood's views on a proposed Military Technical Agreement (MTA) between Afghanistan and NATO that he had received from Defense Minister Wardak earlier in the day to transmit to the NATO Secretary General (SYG). The Ambassador urged Gentilini to recommend to the SYG that NATO not move out ahead of the United States on this matter, which had to be handled by the new U.S. Administration. It would be best if the SYG did not widely circulate the document or schedule NATO meetings to discuss it at this time. Gentilini said that was also his view and would be his recommendation. See para 7 for the texts of the transmittal letters, and para 8 for the draft MTA. End Summary.

12. (C) Ambassador Fernando Gentilini, the NATO Senior Civilian Representative to ISAF, urgently requested a meeting with Ambassador Wood on January 11 to discuss a letter from Afghan Defense Minister Wardak covering a proposed MTA between Afghanistan and NATO. The letter was ultimately addressed to NATO Secretary General Jaap de Hoop Scheffer, with a &similar8 letter sent to SACEUR GEN Craddock. (Note: The 11 operative points in this draft MTA are essentially the same as those contained in a draft MTA, dated November 20, 2008 that was passed to the U.S. in December. &NATO8 is merely substituted for &the United States8 throughout. End Note.)

13. (C) Gentilini said he had asked for the immediate appointment because he understood that, while this proposed MTA could be discussed in Brussels, it directly impacted the United States. After determining that Ambassador Wood had not received the NATO version from the Afghan government (GIROA), he shared the draft MTA and asked for the Ambassador's views.

14. (C) Ambassador Wood responded:

--This MTA was not primarily aimed at NATO. The Afghans apparently had realized that although they were interested in an agreement with the U.S., they also had to send a proposal to NATO.

--The U.S. had not dismissed the original initiative, but told the Afghans that it was something that the new American Administration would have to consider, in Washington. Washington would not be able to do this probably for several months, even though the new Administration was taking shape rapidly.

--The U.S now had about half the international troops in Afghanistan and would soon have about two-thirds, so it was important that NATO not/not get in front of us on this issue. We understood the sensitive nature of the issues raised and would seek practical ways to solve them, and then codify the solutions.

15. (C) Ambassador Wood said that his main message was to urge that the NATO SYG not circulate the paper or call official meetings on the proposed MTA at this time. We would stay in close touch on the issue. Gentilini said that he agreed with the Ambassador's points and that his own recommendations to the SYG would be along those lines. Gentilini reiterated that it was especially important not to say flatly "no" to the Afghans on their proposal, but also not to move too quickly. He expressed concern that President Karzai would push the issue hard in connection with his reelection campaign, but hoped that NATO could delay any action until after the Afghan national elections. NATO and the U.S. must work in coordination on this, he emphasized.

16. (C) The two ambassadors also discussed the impact of President Karzai's controversial public statements on civilian casualties. Ambassador Wood said they affected the ability of all our forces to properly carry out their missions, and suggested that the NATO SYG might urge Karzai to consider that, whatever Karzai wanted to work on with the U.S. on civilian casualties, he should stop broadcasting his views in public. Gentilini agreed, and recalled that the SYG, on his last visit to Afghanistan, had told Karzai that now was a time to build relations rather than narrow them. They also discussed the role of UN Special Representative in

Afghanistan Kai Eide, which has not seemed helpful on these issues.

17. (C) Transmittal letters covering the draft MTA proposal to NATO:

1A. Begin Text of Wardak-Gentilini letter:

Ambassador Fernando Gentilini  
NATO Senior Civilian Representative  
International Security Assistance Force

10 January 2008 (sic, but 2009)

Dear Ambassador:

On behalf of the Government of the Islamic Republic of Afghanistan I enclose a letter to the Secretary General, His Excellency Jaap de Hoop Scheffer, proposing a revision of the technical agreement between my country and NATO based on the current ground realities and that addresses a framework for the development of methods and procedures concerning security operations.

I should be grateful if you would arrange for the enclosed letter to be passed to the Secretary General. I have sent Gen McKiernan a similar letter covering one to Gen Craddock.

Signed,

Abdul Rahim Wardak  
Minister of National Defense

End Text

1B. Begin Text of Wardak-NATO SYG letter:

HE Jaap de Hoop Scheffer  
Secretary General  
NATO

10 January 2008 (sic, but 2009)

Dear Secretary General:

On behalf of the Government of the Islamic Republic of Afghanistan I enclose a proposed revision to the technical agreement between my country and NATO, based on the current ground realities, and that addresses a framework for the development of methods and procedures concerning security operations. We strongly believe that implementing this framework will ensure our joint success in the war on terrorism and will prevent the enemy from exploiting issues that could damage both of us.

On the President's order a committee was formed comprising the Minister of Foreign Affairs, Minister of the Interior, the National Security Director and myself which produced the attached draft. The draft was subsequently endorsed by the Cabinet and the President.

I presented this draft with the highest regard for the help, assistance and support that NATO has extended in freeing Afghanistan from years of tyranny, occupation and civil war and its role in restoring stability and prosperity to the Afghan people.

I look forward to discussing the proposed draft in the very near future. I have sent Gen Craddock a similar letter.

Signed,

Abdul Rahim Wardak  
Minister of National Defense

18. (C) Draft Afghan MTA proposal to NATO:

Begin Text:

DRAFT TECHNICAL AGREEMENT BETWEEN THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF AFGHANISTAN AND THE NORTH ATLANTIC TREATY ORGANISATION AS A FRAMEWORK TO IMPROVE METHODS AND PROCEDURES FOR THE PROSECUTION OF THE GLOBAL WAR ON TERRORISM TO ENSURE

OUR JOINT SUCCESS

Introduction

The Governments of the Islamic Republic of Afghanistan and the North Atlantic Treaty Organization and others participating in support of the International Security Assistance Forces, hereinafter referred to as the Parties, in furtherance of the objectives set out in their Joint Declaration of Strategic Partnership, signed on XXXXXXX, consider this agreement essential to improving the prosecution of the campaign in Afghanistan and to success in the Global war on Terror.

Acknowledging a shared desire and determination to fight terrorism, strengthen state institutions, enhance the rule of law, expand social and economic development and consolidate democracy in Afghanistan;

Recognizing that terrorism in the region is a threat to international peace requiring a decisive and enduring struggle from all member of the international community;

Reaffirming the ultimate aim of the Government of the Islamic Republic of Afghanistan taking full responsibility for its own security by achieving a strong and visible international commitment through the deployment of international military forces and through support for the development of effective national security and defense institutions;

Appreciating NATO's contribution to providing security and stability in Afghanistan;

Realizing the fight against terrorism in Afghanistan can only succeed with the continued support and engagement of the

Afghan people by protecting their lives and property and respecting their religious and cultural traditions;

Agree the following as a set of specific measures aimed at ensuring the effectiveness of military operations in the fight against terrorism and reducing civilian casualties and collateral damage:

¶1. The deployment of additional military personnel by NATO/ISAF to Afghanistan, including the number of additional troops and their location of deployment, shall only be done with the agreement of the Government of Afghanistan.

¶2. There shall be full coordination between defence and security authorities of the Parties at the highest possible level for all phases of military ground and air operations, to include planning, preparation, execution and evaluation and assessment.

¶3. Implement procedures for sharing intelligence and its joint evaluation and incorporation into military operations.

¶4. Where it is necessary to conduct search and inspections of localities and residential areas, including house searches and detention operations, only Afghan National Security Forces will be employed.

¶5. NATO forces shall provide the responsible authorities of the Government of Afghanistan with information about all interpreters, local guides and security guards it employs in Afghanistan.

¶6. Arrests and imprisonments of Afghan nationals for offences that are unlawful under the laws of Afghanistan, including terrorism, shall be carried out by Afghan forces.

¶7. Nationals of Afghanistan, who are detained for committing terrorist acts inside Afghanistan, shall not be imprisoned or otherwise punished without due process of the Afghan legal system.

¶8. Appropriate monetary compensation will be made from an internationally established and supported Trust Fund to compensate innocent individuals and families who sustain losses to life, wealth and property as a result of military operations.

¶9. The use of indirect fire and attack air assets in support of ground operations in populated areas should be

avoided.

¶11. While executing military operations, maximum effort shall be made to avoid the targeting, destruction or damaging of holy places and historical sites.

¶12. With a view to the implementation of this Agreement the Parties shall jointly prepare detailed action plans and guidelines.

This Agreement was signed in Dari and English language on XXXXXX in the city of xxxx and will come into effect upon(

On behalf of the Islamic Republic of Afghanistan

By  
General Abdul Rahim Wardak  
Minister of Defense

On behalf of the North Atlantic Treaty Organization  
By  
Jaap de Hoop Scheffer  
Secretary General

End Text

¶9. (U) Note: The eleven points in MTA draft are not cable

paragraphs but sub sections of paragraph eight.  
WOOD